



Entered on Docket  
March 11, 2009

A handwritten signature in cursive script, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
UPON PALM TERRACE LITIGATION**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 The Court having considered the "Second Omnibus Objection of USACM Trust To  
2 Proofs of Claim Based Upon Palm Terrace Litigation" [Docket No. 6753] (the  
3 "Objection"); with appearances as set forth in the record at the hearing noted above;  
4 appropriate notice of the Objection having been given; with one response to the Objection  
5 having been filed by Wow Enterprises, Inc.; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained; and  
8 2. The claims listed on Exhibit A to this Order are disallowed in their entirety.

9  
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**


12 By /s/ John Hinderaker (018024)  
13 Rob Charles  
14 John Hinderaker  
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19 *Attorneys for USACM Liquidating Trust*

20 APPROVED/DISAPPROVED

21 By: \_\_\_\_\_  
22 August Landis  
23 Assistant United States Trustee

24 **APPROVED** DISAPPROVED

25 By:   
26 Jonathan A. McMahon  
Bruce Piontkowski  
Tingley Piontkowski LLP  
Attorneys for Palm Terrace Claimants

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party: Bruce Piontkowski	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ JH (#018024)

18 Rob Charles

19 John Hinderaker

20 *Attorneys for USACM Liquidating Trust*

## EXHIBIT A

**USA – PALM TERRACE CLAIMS**

<b><u>Claimant's Name and Address</u></b>	<b><u>Claim #</u></b>	<b><u>Claim Amount</u></b>
Osborne, John R c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00922	\$2,000,000.00
Robert Helms c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00923	\$2,000,000.00
Jim Thylin c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00924	\$2,000,000.00
Carol Gray c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00925	\$2,000,000.00
James Douglas c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00926	\$2,000,000.00
David N. Kang c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00927	\$2,000,000.00
Connie Finch c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00928	\$2,000,000.00
Cathi Ciardella c/o Curtis R. Tingley / Bruce Piontkowski ROPERS, MAJESKI, KOHN & BENTLEY 80 North First Street San Jose, CA 95113-1201	10725-00929	\$2,000,000.00